

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
JOINT APPROPRIATIONS SUBCOMMITTEE
ROOM 405, STATE CAPITOL BUILDING
January 26, 2004**

Members Present: Sen. D. Chris Buttars, Co-Chair
Rep. David L. Hogue, Co-Chair
Sen. Patrice Arent
Sen. Michael Waddoups
Rep. Ron Bigelow
Rep. Scott Daniels
Rep. James A. Dunnigan
Rep. Eric K. Hutchings
Rep. Brad King
Rep. Bradley G. Last
Rep. Dana C. Love

Staff Present: Gary Ricks, Fiscal Analyst
Kevin Walthers, Fiscal Analyst
Greta Rodebush, Committee Secretary

Visitors List: List filed with committee minutes

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

NOTE: All those who testified before the subcommittee did so under the oath administered by Fiscal Analyst Gary Ricks.

Co-Chair Hogue called the meeting to order at 2:22 p.m.

MOTION: Rep. King moved to approve the minutes of January 22, 2004. The motion passed unanimously with Sen. Waddoups and Rep. Love absent for the vote.

Fiscal Analyst, Kevin Walthers, stated that this year, staff recommended changes that are only within the committee budget and did not list any changes that would increase the allocation given by Executive Appropriations. In addition there is an across line item transfer to another committee not reflected in the base budget.

Courts

Kevin Walthers, Fiscal Analyst, presented the FY 2005 budget recommendations for Courts. The Analyst presented a total FY 2005 budget for Courts of \$101,725,300. The programs within the budget are as follows:

Programs (Courts)

Administration	\$77,216,800
Grand Jury	800
Contracts and Leases	19,059,400
Jury and Witness Fees	1,730,000
Guardian as Litem	<u>3,718,30</u>
Total	\$101,725,300

In reviewing the FY 2005 Courts Budget with the subcommittee, the Analyst highlighted the following issues:

2.2 Contracts and Lease Increases. During the 2003 General Session the Legislature approved the use of \$600,000 in fees from the Matheson Court House for ongoing programs. This shift creates a future deficit in the Contracts and Leases budget that must be filled prior to FY 2006. Additionally the Courts will see an increase of \$171,000 in lease expenses in FY 2006.

2.8 Non-lapsing Funds. Courts, like many other agencies, have received blanket approval to carry forward funds from one year to the next. The Analyst believes such authorization should be tied to specific projects and approved by the legislature in accordance with the Budgetary Procedures Act:

UCA 63-38-8.1(3) (a) Each agency that wishes to preserve any part of all of its appropriation balance as nonlapsing shall include a one-time projects's list as part of the budget request that it submits to the governor and the Legislature at the annual general session of the Legislature immediately before the end of the fiscal year in which the agency may have an appropriation balance.

2.9 Other Intent Language. The Analyst believes that the practice of providing COLAs for private contract providers should be reviewed during the interim. As such, the following intent language is proposed:

It is the intent of the Legislature that the Office of the Legislative Fiscal Analyst shall prepare a report detailing the number, amount and cost of private contractor COLAs. It is anticipated that the report will offer solution for providing fair compensation to private and local government contractors in away that account for increases in costs over time.

Analyst Walthers, also discussed looking at alternative funding sources for the State Law Library through user fees, and offsetting Judicial Education costs by having user agencies pay a proportional share of those costs. Mr. Walthers reviewed Juvenile Court case mediation statistics

and the deficit spending in Jury, Witness, and Interpreter Fees.

Analyst Walthers also recommends intent language independent of Juvenile Courts and the Juvenile Justice System, that would direct the Office of the Legislative Fiscal Analyst to examine the structure of juvenile probation and youth corrections to determine if a single system would provide budget savings or flexibility to the state. Even though an informal review by the Legislative Auditor General found that current cooperation improved services and has met Legislative goals, there may still be room for improvement through a more unified structure. The intent language reads as follows:

It is the intent of the Legislature that the Office of the Legislative Fiscal Analyst shall examine the structure of juvenile probation and youth corrections to determine if a single system would provide budget savings or flexibility to the state.

Agency Response

Dan Becker, State Court Administrator, commented on budgetary actions taken by the Courts, the Analyst's recommendations, and current budget needs and priorities. He was assisted by Myron March, Deputy Court Administrator. A handout with a list of Court requests for FY 2005 was distributed.

Mr. Becker stated that there will be a \$900,000 shortfall in FY 2006 for Contracts and Leases, unless replacement funds are used to recover monies borrowed from Matheson Fees.

Mr. Becker stated that the State Law Library operates mainly on fixed costs and could not depend solely on the fluctuation of user fees from the agencies. In addition, the State Law Library is increasingly being used by private individuals who are electing to represent themselves.

Mr. Becker stated that Judicial Education is not elective. In fact, the Judicial Council oversees the education budget for the entire system and it sets the budget largely on the requirements they have established by rule.

Mr. Becker agreed with the Analyst's recommendation for intent language that would address the practice of providing COLAs for private contract providers for the Courts.

Mr. Becker did not support intent language to examine structural changes to juvenile probation and youth correction because he felt that previous studies had already addressed this issue and that joint efforts were in place.

Even though the Appellate Mediation Program was established by statute, the program was not funded last year. The Judicial Council was able to bridge the funding gap by utilizing turnover savings. The program not only serves the Court but more importantly the public, with

significant savings in the cost and time required to resolve cases.

Judge H. Jackson, Utah Court of Appeals, and Michelle Madsen, Appellate Court Administrator spoke to the merits of the Appellate Mediation Program in resolving disputes rather than through traditional litigation.

Courts Budget Requests

The following is a list of Court's budget requests:

- (1) \$227,800 for Juvenile Court Commissioner and two staff positions
- (2) \$157,000 Restoration of Appellate Mediation Funds
- (3) \$384,000 Restoration of State Supervision Funds
- (4) \$127,000 Sanpete Day Treatment Center
- (5) \$100,000 General Fund Restricted Digital Recording Equipment, District Courts

Juvenile Justice Systems

Analyst Walthers presented a total FY 2005 budget for Juvenile Justice Systems of \$87,883,900 . The programs within the budget are as follows:

Programs

Services	\$87,883,900
Youth Parole Authority	<u>280,500</u>
Total	\$87,883,900

Analyst Walthers highlighted a number of issues. The Division of Juvenile Justice Services will need to provide the Division of Fleet Operations with the capital to purchase of two vehicles for the use at the new Washington County facility. The Division also requests an additional \$698,300 to allow full services for the Canyonlands Youth Center at the Blanding Facility. Intent language to address the issue of COLAs for private contract providers and to examine the structure of juvenile probation and Juvenile Justice Services to determine if a single system would provide budget savings or flexibility to the state. Finally, Analyst Walthers recommended that nonlapsing authority be delayed until the 2005 Legislative session.

Agency response

Blake Chard, Director, Juvenile Justice Services, addressed the subcommittee and provided the members with a handout that included an overview of the Division and a budget request for the Dixie Area Detention in Washington County. He reviewed the handouts and answered questions from the subcommittee regarding community residential treatment, Victims Restitution Funds, COLAs to private contract providers, programs funding sources.

Mr. Chard requested that the Dixie Area Detention Facility in Washington County be fully funded at \$1.1 million. Currently the facility is double bunking 100% of the time and many times it is triple bunking.

Margaret Peterson, Executive Director, Youth Providers Association, spoke to the issue of COLA rate increases to private providers and answered questions from the subcommittee. She recommended that an increase of 1%-2% be implemented this year, and that this issue be studied in the interim to include a member of the Youth Providers Association. of the subcommittee.

Dan Maldonado, Deputy Director of Administrative Services, answered subcommittee questions.

MOTION: Rep. Dunnigan moved to adjourn the meeting. The motion passed unanimously. Sen. Arent, Sen. Wadddouds, Sen. Buttars, Rep. Bigelow, and Rep. Love absent for the vote.

Co-Chair Hogue moved to adjourn the meeting at 5:32 p.m.

Sen. D. Chris Buttars, Co-Chair

Rep. David L. Hogue, Co-Chair